

Applicant : Bruce D. Gaynor, *et al.*  
Serial No. : 08/833,838  
Filed : April 10, 1997  
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Claim 72 (previously amended) The method according to Claim 71 wherein said peptide is 5-15 amino acids in length.

Claim 73 (previously amended) The method according to Claim 71 wherein said peptide is 5-10 amino acids in length.

Claim 74 (previously amended) The method according to Claim 71 wherein said peptide consists of d-Asp-Trp-Glu-Tyr-Ser.

#### Remarks

Claims 54-58 and 71-74 are pending in the above-identified application. With this Reply and Amendment, claim 54 is amended to more particularly point out and distinctly claim the invention. The amendment of claim 54 provides no new matter, and serves to put the claims in condition for allowance or reduce issues for appeal. Entry of the amendment is therefore respectfully requested.

#### Rejection Under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph

All pending claims stand rejected under 35 U.S.C. §112, first paragraph, as lacking enablement. It is asserted that undue experimentation would be required to practice the invention presented in the examined claims. Specifically, it is asserted that the claims are enabled for treating glomerulonephritis caused by the R4A antibody, but not for glomerulonephritis caused by anti-ds-DNA antibodies, even though R4A is an anti-ds-DNA antibody. In response, applicants have amended claim 54 (affecting all other claims, which are dependent on claim 54) to cover treating a subject having glomerulonephritis, such that the peptide can bind to an anti-ds-DNA antibody. Since the application discloses experimental results describing the claimed methods, applicants assert that they are enabled.


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In light of the claim amendments and the above remarks, applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 112, first paragraph, and passage of the claims to allowance. If there are any minor matters preventing such allowance, applicants request that Examiner Ewolt contact the undersigned attorney.

Respectfully submitted,

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